

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

DOUGLAS CHYATTE,
Charging Party

HRB CASE NO. 0151017649

-v-

FINAL AGENCY DECISION

MONTANA DEPARTMENT OF
CORRECTIONS - MONTANA STATE
PRISON,
Respondent

Charging Party, Douglas Chyatte (Chyatte), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in governmental services on the basis of religion and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Douglas Chyatte's allegations that Respondent, Montana Department of Corrections - Montana State Prison, discriminated against Chyatte. The Department issued a Notice of Dismissal. Chyatte filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 14, 2016. Douglas Chyatte presented argument on his own behalf. Robert Lishman appeared and argued on behalf of Montana Department of Corrections - Montana State Prison.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district

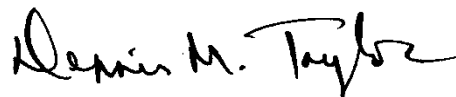
where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA.*

If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Douglas Chyatte's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Montana Department of Corrections – Montana State Prison.

DATED this 17th day of March, 2016.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is fluid and cursive, with the first name "Dennis" and last name "Taylor" clearly legible. It is positioned above a horizontal line.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 17th day of March, 2016.

DOUGLAS CHYATTE
AO# 3004524
MONTANA STATE PRISON
700 CONLEY LAKE ROAD
DEER LODGE, MT 59722

MONTANA DEPARTMENT OF CORRECTIONS
ROBERT LISHMAN, STAFF ATTORNEY
P.O. BOX 201301
HELENA, MT 59620



Annah Howard, Legal Secretary
Montana Human Rights Bureau